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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

UNITED STATES OF AMERICA,

6:20-cv-00237-BR

Plaintiff,

v.

**COMPLAINT, *in rem*,
FOR FORFEITURE**

\$10,040.00 U.S. CURRENCY, *in rem*,

Defendant.

Plaintiff, United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and Amy E. Potter, Assistant United States Attorney, for its complaint *in rem* for forfeiture, alleges:

I.

This Court has subject matter jurisdiction, *in rem* jurisdiction, and venue pursuant to 21 U.S.C. § 881; 28 U.S.C. §§ 1345, 1355, 1356, and 1395; and 19 U.S.C. § 1610.

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II.

Defendant, *in rem*, \$10,040.00 U.S. Currency, was seized in the District of Oregon, and is now and during the pendency of this action will be within the jurisdiction of this Court.

III.

Defendants, *in rem*, \$10,040.00 U.S. Currency represents proceeds traceable to an exchange for controlled substances or were used or intended to be used to facilitate such a transaction in violation of 21 U.S.C. § 841(a)(1), and is forfeitable to the United States pursuant to the provisions of 21 U.S.C. § 881(a)(6), as more particularly set forth in the declaration of Sean Cummings, Special Agent, Drug Enforcement Administration, marked as Exhibit A, attached and fully incorporated herein by this reference.

WHEREFORE, plaintiff, United States of America, prays that due process issue to enforce the forfeiture of defendant, *in rem*, \$10,040.00 U.S. Currency, that due notice be given to all interested persons to appear and show cause why forfeiture of these defendants, *in rem*, should not be decreed; that due proceedings be had thereon; that these defendants be forfeited to the United States; that the plaintiff United States of America be awarded its costs and disbursements incurred in this action.

DATED: **February 13, 2020.**

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

s/ Amy E. Potter
AMY E. POTTER
Assistant United States Attorney

VERIFICATION

I, SPECIAL AGENT SEAN CUMMINGS, declare under penalty of perjury, pursuant to the provisions of 28 U.S.C. Section 1746, that I am a Special Agent with the Drug Enforcement Agency and that the foregoing Complaint *in rem* for Forfeiture is made on the basis of information officially furnished and upon the basis of such information the Complaint *in rem* for Forfeiture is true as I verily believe.

s/Sean Cummings
SEAN CUMMINGS
Special Agent
Drug Enforcement Agency

DECLARATION of SEAN CUMMINGS

I, SEAN CUMMINGS, do hereby declare:

BACKGROUND/EXPERIENCE

1. I am a Special Agent with the Drug Enforcement Administration (DEA). I have been employed in the field of law enforcement since 1992 and have worked as a Dispatcher, Police Services Officer, Police Officer for the City of Eureka Police Department in Eureka, California. After promotion to Detective, I was assigned to the Bureau of Narcotics Enforcement Task Force with primary responsibility to investigate controlled substance offenses. I have been employed as a DEA Special Agent since July 1999.

2. I completed the 17-week DEA Basic Agent Training program in Quantico, Virginia. The training focused on methods of unlawful drug trafficking; the identification of controlled substances; the means by which drug traffickers derive, launder, and conceal their profits from drug trafficking; the use of assets to facilitate unlawful drug trafficking activities; and the law permitting the forfeiture to the United States of assets purchased with drug proceeds or assets intended to be used to facilitate the drug violations. My specialized training has included, but is not limited to, investigating the manufacture, possession, and distribution of controlled substances listed within the Controlled Substance Act; executing search and arrest warrants involving drug offenses; gathering drug and non-drug evidence; participating in undercover assignments; supervising and utilizing informants; investigating clandestine laboratories, smuggling, and money laundering; and monitoring drug-related conversations via Court authorized electronic eavesdropping.

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PURPOSE OF THIS DECLARATION

3. This declaration is submitted in support of a civil complaint *in rem* for forfeiture of \$10,040.00 in U.S. Currency seized by the Springfield Police Department (SPD) from Richard Molnar during the execution of a state search warrant. As described below, there is probable cause to believe that the \$10,040.00 is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) as it constitutes or was derived from proceeds traceable to violations of 21 U.S.C. § 841(a)(1). This declaration does not include all of the facts known to me regarding this investigation, only those sufficient to establish probable cause to seize the above referenced assets.

SUMMARY OF THE INVESTIGATION

4. In August 2019, SPD conducted an investigation into Richard Molnar's drug trafficking activities. According to SPD Detective Keith Seanor, Molnar had been involved in the distribution of controlled substances for approximately five years. Convicted of drug crimes, Molnar went to prison and was released in late 2018 or early 2019. After his release from prison, Detective Seanor and other law enforcement learned that Molnar was again selling heroin and methamphetamine, which led to the 2019 investigation.

5. On August 12, 2019, SPD executed a state search warrant on Molnar's apartment. In Molnar's apartment, SPD found plastic bags containing substances later confirmed to be heroin and methamphetamine. There was a total of 824.2 grams of methamphetamine and 269.4 grams of heroin. SPD also found digital scales and plastic bags commonly used to package illegal drugs for sale and two firearms in the apartment. One of the firearms had been reported stolen. SPD also seized \$10,040.00 in cash that was inside an open white mailing envelope addressed to "Elizabeth [sic] Pasqualini," an attorney at Shaffer & Engle in Pennsylvania. The cash was divided into nine rubber-banded bundles and wrapped in plastic as pictured below:



6. Molnar was arrested and charged with delivery of heroin and delivery of methamphetamine. He had two small plastic bags with .5 ounces of what appeared to be illegal drugs in his pocket. The suspected drugs that were on Molnar's person were not tested. Molnar had no known employment at the time of the search warrant and has criminal history in the following states: Michigan, Georgia, Pennsylvania, Oregon and Florida. He has convictions for receiving stolen property, larceny, possession and delivery of a controlled substance, weapons offenses, forgery, auto theft, eluding a police officer, and felon in possession of a weapon.

7. After his August 2019 arrest, Molnar was convicted of unlawful possession and distribution of methamphetamine and heroin in Lane County Circuit Court and was sentenced to 153 months' imprisonment. He is currently serving his sentence with the Oregon Department of

Corrections.

8. Camille Dorfler, a friend of Molnar who was residing temporarily with him, was also at the apartment when the search warrant was executed. She claimed she did not know about Molnar's drug activities, and she has no criminal history related to drug crimes.

9. DEA sent notice of the seizure to Richard Molnar, Camille Dorfler, and Elisabeth Pasqualini (Molnar had spelled her first name incorrectly on the envelope). Only Molnar filed a claim. His claim was for the \$10,040.00

10. In his claim, Molnar stated that the \$10,040.00 found in his apartment was comprised of (1) \$2500 from the sale of a vehicle to Savn Blaylock; (2) \$2800.00 from the sale of a vehicle to Lisa Peais; (3) a \$3500.00 gift from his ex-wife Mellisa O'Brien; and (4) \$1250.00 from lottery scratch-it tickets. He said he was sending the money to Pasqualini because he had a warrant in Pennsylvania. He also stated he received \$879 a month from the Veteran's Administration because he is a disabled veteran.

11. I reviewed Molnar's claim and the bills of sale he provided. With respect to the sale to Blaylock, he submitted a DMV bill of sale form for the sale of a BMW 325I with a license plate 900CXQ. The date of sale on the form was August 1, 2019, and the date appears to be written in pencil while other parts of the form are in pen. A review of records provided by DMV for this vehicle show that Scott Reynolds has been the owner since January 7, 2015. There are no records indicating the vehicle was sold or has a new owner. However, I located a July 20, 2019, Eugene Police Department report in which Molnar, after being stopped by EPD, admitted to switching the license plate (900CXQ) on two BMWs he was purchasing.

12. With respect to the sale to Peais, Molnar submitted a handwritten bill of sale signed by Peais with a date of sale of July 24, 2019. The vehicle is listed as a "Hyundi [sic]

Elantra” with a VIN ending in 2881. The vehicle record for this vehicle indicates it was purchased on April 21, 2019, by Peais and a title was issued on April 23, 2019, in the name of both Lisa Peais and Richard Molnar. The insurance was updated on the vehicle in December 2019. There is no record of any sale or change in the names on the title.

13. I also looked into Molnar’s ex-wife, Mellisa O’Brien, including reviewing law enforcement databases. O’Brien has multiple arrests and at least one conviction for possession of methamphetamine. She filed for bankruptcy in 2015, which was discharged in 2016. She and Molnar filed for divorce in 2016. In 2018, there was a child support case filed in Lane County Circuit Court that was captioned: *Mellisa Lucille O'Brien v. Jason John Carlson*. The State of Oregon was listed at the creditor. Other child support cases have been filed in the past. Given this history, it seems unlikely that O’Brien had \$3500.00 to gift to her ex-husband who she had divorced three years earlier. Molnar did not provide any documentation related to this gift.

14. Molnar also did not provide any documentation related to the Oregon Lottery winnings. In his claim, he stated that no receipts are provided for winnings under \$600.00. A check of the financial database for distribution of cash winnings did not reflect any cash distributions to Molnar from the Oregon Lottery or any local casinos.

15. Based on my training and experience, I am aware that in 2019, in this area, 824.2 grams of methamphetamine costs about \$5,000 and can be sold for over \$10,000 dollars if packaged for individual sale. Similarly, 269.4 grams of heroin costs \$8,000 and if packaged for individual sale, can be sold for over \$16,000 dollars.

16. Based on my training and experience, I believe that the \$10,040.00 seized from Molnar was the proceeds of his drug trafficking activities and not cash from gifts or the sale of vehicles as he states in his claim.

CONCLUSION

17. Based on the foregoing and my training and investigative experience, I have probable cause to believe that the \$10,040.00 in U.S. Currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6), as it constitutes or was derived from proceeds traceable to a specified unlawful activity, possession and distribution of controlled substances, a violation of 21 U.S.C. § 841(a)(1).

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. §1746.

Executed this 12th day of February.

s/Sean Cummings

Sean Cummings

Special Agent

Drug Enforcement Administration

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Amy E. Potter - United States Attorney's Office
405 E. 8th Street, Suite 2400, Eugene OR 97401-2708

DEFENDANTS

\$10,040.00 U.S. CURRENCY, in rem

County of Residence of First Listed Defendant Lane County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 U.S.C. § 841(a)(1) and 21 U.S.C. § 881(a)(6)

Brief description of cause:

forfeiture of property as proceeds and/or facilitation of drug trafficking**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

2/13/2020

s/ Amy E. Potter

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____